

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

ANTHONY LLANES #209066,

Plaintiff,

File No. 2:07-CV-197

v.

HON. ROBERT HOLMES BELL

FERNANDO FRONTERA,

Defendant.

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**MEMORANDUM OPINION AND ORDER**  
**ADOPTING THE REPORT AND RECOMMENDATION**

On November 14, 2007, United States Magistrate Judge Timothy P. Greeley issued a Report and Recommendation (“R&R”), recommending that Plaintiff Anthony Llanes’ 42 U.S.C. § 1983 prisoner civil rights action be dismissed pursuant to 28 U.S.C. §§ 1915(e)(2), 1915A(b), and 42 U.S.C. § 1997e(c), for failure to state a claim. (Dkt. No. 3.) Plaintiff filed an objection to the R&R on November 19, 2007. For the reasons that follow, Plaintiff’s objection is denied and the R&R is adopted as the opinion of the Court.

This Court is required to make a de novo review of those portions of an R&R to which specific objections are made, and may accept, reject, or modify any or all of the Magistrate Judge’s findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Plaintiff alleges that he experiences pain in his left leg as a consequence of bullet fragments in his left leg. Plaintiff seeks several forms of relief, including “a Bionic leg to fit inside [his] flesh . . . .” (Dkt. No. 1, Compl. 4.) Plaintiff objects to the Magistrate Judge’s conclusion that Plaintiff does not have a constitutional right to a “bionic leg.” Plaintiff contends that the Magistrate Judge erred in concluding that the implantation of a “bionic leg” would create serious issues for prison administration. Although the Magistrate Judge briefly noted that “[s]hould Plaintiff receive such a bionic limb, he would be able to kick through his cell door, use his leg as a deadly weapon, and ultimately escape incarceration[.]” (R&R 6), that was not the basis on which the Magistrate Judge recommended that the Plaintiff’s complaint be dismissed. (R&R 5-6.) The Magistrate Judge concluded that “Plaintiff’s request for a bionic limb is not a medical procedure required by the Constitution.” (R&R 6.) Plaintiff has not identified any error in this conclusion and the Court finds none.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff’s objection to the Report and Recommendation of the Magistrate Judge (Dkt. No. 4) is **DENIED**.

**IT IS FURTHER ORDERED** that the Report and Recommendation (Dkt. No. 3) is **APPROVED** and **ADOPTED** as the opinion of this Court.

**IT IS FURTHER ORDERED** that Plaintiff Anthony Llanes’ complaint is **DISMISSED** for failure to state a claim pursuant to 28 U.S.C. §§ 1915(e)(2), 1915A, and 42 U.S.C. § 1997e(c).

**IT IS FURTHER ORDERED** that this dismissal shall count as a **STRIKE** for purposes of 28 U.S.C. § 1915(g).

**IT IS FURTHER ORDERED** that the Court finds no good-faith basis for appeal within the meaning of 28 U.S.C. § 1915(a)(3).

Date: March 4, 2008

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
CHIEF UNITED STATES DISTRICT JUDGE